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23 *Attorneys for Plaintiff Marine Travelift, Inc.*

24 UNITED STATES DISTRICT COURT  
25 SOUTHERN DISTRICT OF CALIFORNIA  
26  
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MARINE TRAVELIFT, INC.,

Plaintiff,

v.

SHELTER ISLAND YACHTWAYS,  
LTD. d/b/a SHELTER ISLAND  
BOATYARD,

Defendant.

Case No. **'16CV0128 BTM BLM**

JURY TRIAL DEMANDED

**COMPLAINT**

Plaintiff Marine Travelift, Inc. ("MTI"), by and through its attorneys, Michael Best & Friedrich LLP and O'Neil Cannon Hollman DeJong & Laing, S.C., states for its Complaint against Defendant Shelter Island Yachtways, Ltd., doing business as Shelter Island Boatyard the following:

**PARTIES**

1. MTI is a Wisconsin corporation with its principal place of business located at 49 East Yew Street, Sturgeon Bay, Wisconsin 54235 and is in the business of making and selling, *inter alia*, mobile marine and industrial lifting equipment.

2. Defendant Shelter Island Yachtways, Ltd., is a California limited partnership which does business as Shelter Island Boatyard ("SIBY") and operates a boatyard at 2330-1 Shelter Island Drive, San Diego, California 92016.

**JURISDICTION AND VENUE**

3. This is an action for patent infringement in violation of 35 U.S.C. § 271.

4. On information and belief, Defendant regularly solicits and transacts business in the State of California and in this District by using products, including infringing products such as those identified in this Complaint, within this District.

5. This Court has jurisdiction over the subject matter of this action based on 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over Defendant based on Defendant's residence and contacts with the State of California and this District.

7. Venue is proper in this judicial district based on 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b).

## BACKGROUND FACTS

8. On July 10, 2012, the USPTO duly and legally issued U.S. Patent No. 8,215,441 (“the ’441 patent”), entitled “STEERING SYSTEM FOR CRANE,” to Jerry J. Wierzba and Timothy J. Minkin. Attached hereto as **Exhibit A** is a true and correct copy of the ’441 patent.

9. Mr. Wierzba and Mr. Minkin assigned the entire right, title, and interest to the '441 patent including all rights to bring actions and recover for all infringements thereof, to MTI.

10. MTI has owned the '441 Patent throughout the period of Defendant's infringing acts and still owns the '441 patent.

11. MTI has complied with the statutory requirement of placing notice of the '441 patent on its products that embody the invention(s) thereof.

12. Defendant had knowledge of the Patent-in-Suit prior to the filing of this Complaint.

13. Defendant uses ASCOM mobile marine and industrial lifting equipment having an electronic all-wheel steering system within the United States.

14. ASCOM's mobile marine and industrial lifting equipment having an electronic all-wheel steering system, such as the BHT-model boat hoist(s) used by Defendant, embody one or more claims of the '441 patent.

## COUNT I – INFRINGEMENT OF U.S. PATENT NO. 8,215,441

15. MTI re-alleges and incorporates by reference the foregoing paragraphs of this Complaint as though fully set forth herein.

16. Defendant has directly infringed MTI's exclusive rights in the '441 patent by using within the United States ASCOM mobile marine and industrial lifting equipment having an electronic all-wheel steering system that embodies one or more claims of the '441 patent, including but not limited to claim 15.

1           17.     On information and belief, Defendants' acts of infringement have been willful,  
2 deliberate, and knowingly performed with reckless disregard for MTI's exclusive rights in the  
3 '441 patent and will continue unless preliminarily and permanently enjoined by this Court.

4           18.     As a direct and proximate result of Defendant's acts of infringement, MTI has  
5 suffered injury and damage, which continues to accrue, in an amount to be determined at trial.

6           19.     Unless preliminarily and permanently enjoined by this Court, Defendant's acts of  
7 direct and indirect infringement will cause MTI further injury and damage, including immediate  
8 and irreparable harm that cannot be adequately compensated by monetary damages.

9                                   **JURY DEMAND**

10           MTI demands a trial by jury on all matters and issues triable by a jury.

11                                   **REQUEST FOR RELIEF**

12           WHEREFORE, Plaintiff Marine Travelift, Inc. respectfully requests that this Court grant  
13 the following relief:

- 14           A.     A Judgment in favor of MTI on its claims of patent infringement;
- 15           B.     A Judgment that Defendant has willfully and deliberately committed acts of patent  
16 infringement;
- 17           C.     An Order preliminarily and permanently enjoining Defendant and its respective  
18 officers, agents, servants, employees, attorneys, and all other persons in active  
19 concert or participation with them from manufacturing, using, offering to sell, and  
20 selling any infringing product(s) within the United States and from importing any  
21 infringing products or their component parts into the United States;
- 22           D.     An Order directing Defendant to surrender for destruction all infringing products  
23 and manufacturing supplies for such products that are in Defendant's possession or  
24 control in the United States or in transit to the United States.
- 25           E.     An Order directing Defendant to file with this Court and serve on MTI's attorneys,  
26 within thirty (30) days after the date of entry of any injunction, a report in writing  
27 and under oath setting forth in detail the manner and form in which they have  
28 complied with the injunction;

- 1 F. An award of actual monetary damages that MTI has incurred as a result of  
2 Defendant's infringement, in an amount to be determined at trial but in no event  
3 less than a reasonable royalty;  
4 G. An Order trebling MTI's damages and awarding MTI its attorneys' fees, costs, and  
5 disbursements incurred in prosecuting this action; and  
6 H. An award to MTI of such other relief as the Court deems just and equitable.

7  
8 Dated this 19<sup>th</sup> day of January,  
9 2016.

**MICHAEL BEST & FRIEDRICH LLP**

10 By: /s/ J. Donald Best

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